

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MEMORANDUM & ORDER

DUGAN, District Judge:

Defendant filed a *pro se* Motion to Appoint Counsel" that appears to be a request to reduce his sentence pursuant to 18 U.S.C. § 3582 and Amendment 821. (Doc. 64 69.). The Court directed the Federal Public Defender to enter an appearance to determine whether Defendant is eligible for relief. (Doc. 65). Federal Defender Kim Freter entered her appearance for Defendant before filing a Motion to Withdraw, asserting that there is no meritorious basis for Defendant to obtain relief under Amendment 821. (Doc. 67). In summary, counsel explains that, although Amendment 821 reduces Defendant's total Criminal History Score to 2, resulting in a new Criminal History Category of II, given his total offense level of 42, his guideline range does not change.¹ Defendant has not filed a

1 At the time of sentencing, Defendant's total offense level was 42 and his criminal history category was III which resulted in a guideline of 360 months to life. Amendment 821 reduces Defendants criminal history category to II but his total offense level remains 42, resulting in an applicable guideline range of 360 months to life.

Response to the Motion to Withdraw, despite the mailing of that Motion to Defendant and the Court's Orders. (Docs. 65 and 68).

The Court has reviewed the record and the applicable law. The Court finds that Defendant is not entitled to relief under Part A or Part B of Amendment 821. Accordingly, the Motion for a Reduction of Sentence Pursuant to 18 U.S.C. § 3582 and Amendment 821 is **DENIED**. The Motion to Withdraw is **GRANTED**. The Judgment dated January 18, 2013 remains in full force and effect. (Doc. 45).

SO ORDERED.

Dated: January 9, 2025

s/ David W. Dugan

DAVID W. DUGAN
United States District Judge